

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DAVID N. FIREWALKER-FIELDS,

Plaintiff,

)

Civil Action No. 7:23cv00179

)

v.

)

MEMORANDUM OPINION

)

ERIC GREENE, et al.,

Defendants.

)

By: Robert S. Ballou

)

United States District Judge

David N. Firewalker-Fields, a Virginia inmate proceeding *pro se*, filed this action under 42 U.S.C. § 1983, challenging conditions of confinement at Augusta Correctional Center. On April 18, 2024, the defendants filed a Motion for Summary Judgment under FED. R. CIV. P. 56. On April 19, 2024, the court issued the notice required by *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975). The *Roseboro* notice was mailed to plaintiff at his VDOC address and at his address in Elkton, Virginia. *See* ECF No. 19 Docket Note. The *Roseboro* notice advised plaintiff that he had 21 days to file a response to the Motion for Summary Judgment and that, if he did not respond to the motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state in their responsive pleading(s).” ECF No. 19. The notice further advised Firewalker-Fields that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion” and that, if he failed to respond within the time allowed, the court “may dismiss the case for failure to prosecute.” *Id.*

The defendants’ motion has been pending for more than six months, and plaintiff has not responded to the motion. Therefore, the court will dismiss Firewalker-Fields’ complaint without prejudice for failure to prosecute.

An appropriate order will be entered this day.

Enter: March 28, 2025

ts/ Robert S. Ballou

Robert S. Ballou
United States District Judge